

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Donnell Kearney,

Case No. 21-cv-1915 (SRN/KMM)

Petitioner,

v.

ORDER

United States of America,

Respondent.

Donnell Kearney, Reg. No. 51654-056, Sheridan FCI, P.O. Box 8000, Sheridan, OR 97378, Petitioner pro se.

Ana H. Voss, United States Attorney's Office, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415 for the Respondent.

This matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Kate Menendez, dated September 21, 2021 [Doc. No. 3]. No objections have been filed to that Report and Recommendation in the time period permitted. Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that this action is **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 14, 2021

s/Susan Richard Nelson

SUSAN RICHARD NELSON

United States District Judge